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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,339	02/20/2004	Brian Smidt	10646.399US01	6914
7590 Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER PAHNG, JASON Y	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,339

Applicant(s)

SMIDT ET AL.

Examiner

Jason Y. Pahng

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17, 28-35 and 37-46 is/are pending in the application.
4a) Of the above claim(s) 38-46 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) 12-17, 28-35 and 37 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Newly submitted claims 38-46 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Note that claims 38-46 belong to a distinct combination group including a feed table.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 38-46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

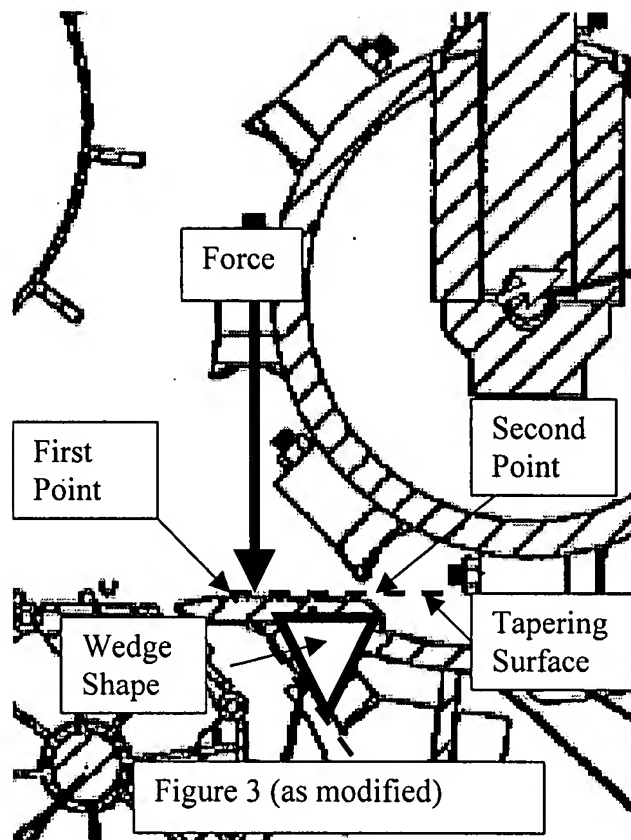
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 15-17, 28, 31-35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Verhoef et al. (US 6,843,435).

With regard to claim 12, Verhoef discloses a grinding machine with substantially all of the claimed structure including:

1. a grinding drum (160) positioned within a mill box (154) having opposite sides (155);
2. the grinding drum (160) having an axis of rotation (axis of 171);
3. an anvil (182) having a cross-section, the cross-section including a wedge-shaped portion and a rectangular portion (Figure 3);
4. the wedge-shaped (182) portion having a tapering surface extending from a first reference point (closest to 171) to a second reference point (farthest from 171);
5. the ends of the anvil (182) extending beyond (Figure 5a) the sides (155) of the mill box (154); and
6. the first and second reference points are horizontally aligned with one another.



With regard to claims 13, 28, 34, and 37, Verhoef discloses an anvil (182) of solid construction (Figure 3) without weakening structure. The top tapering surface of the wedge portion is oriented perpendicular to vertical impact perpendicular forces generated by the grinding drum as shown above in Figure 3 (as modified). In fact, Verhoef's discloses generated force as shown in Applicant's Figure 3.

With regard to claims 15-17 and 31-33, Verhoef discloses a mounting arrangement including a first support surface configured to support an end of a feed table (112) and a second support surface configured to support the anvil (182) from the outside of the mill box (154). See Figure 1.

With regard to claim 35, Verhoef discloses that a portion of the distance between the first reference point (closest to 171) and the axis of rotation (171) defines a minimum clearance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verhoef et al. (US 6,843,435) in view of Zehr (US 2002/0056773). The claims call for clamp arms (60) to secure the ends of the anvil when positioned within the apertures (Figure 3). In a closely related art, Zehr discloses a grinding machine with clamp arms (60) in order to secure the ends of the anvil when positioned within the apertures so that the anvil may be removed. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Verhoef with clamp arms in order to secure the ends of the anvil when positioned within the apertures so that the anvil may be removed, as taught by Zehr.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verhoef et al. (US 6,843,435) in view of Hadjinian et al. (US 5,881,959). The claim calls for a shape of the anvil to be such that a minimum clearance is defined between the rectangular portion and the drum. In a closely related art, Hadjinian discloses a grinding

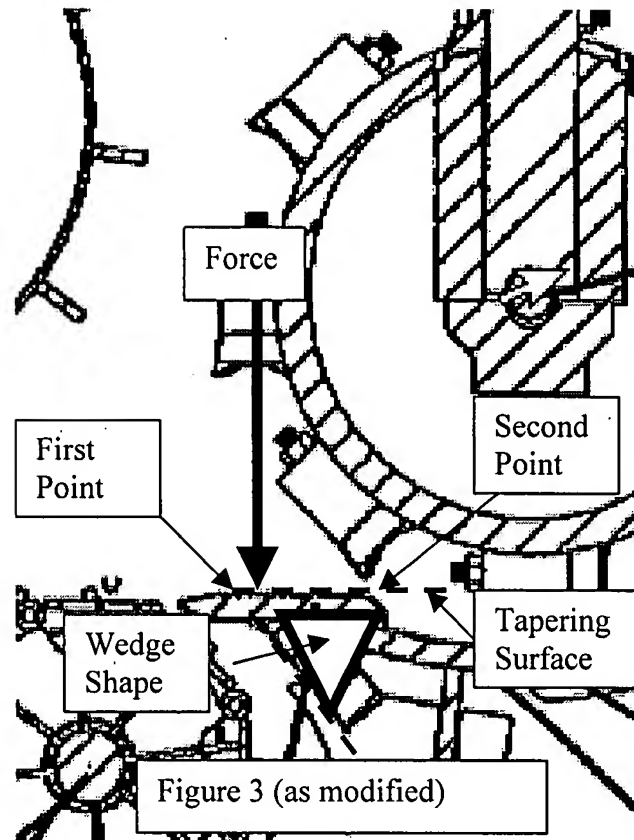
machine with a shape of the anvil to be such that a minimum clearance is defined between the rectangular portion (17) and the drum (18) in order to resist deflection (Figure 6). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Verhoef with a shape of the anvil to be such that a minimum clearance is defined between the rectangular portion and the drum in order to resist deflection, as taught by Hadjinian.

Response to Arguments

Applicant's arguments filed March 8, 2007 have been fully considered but they are not persuasive.

With regard to claims 12, 13, 15-17, 28, 31-35, and 37, Applicant argues that Verhoef does not disclose a horizontal tapering surface. This is not persuasive.

Verhoef discloses a horizontal tapering surface as shown below in a modified Figure 3.



With regard to claims 12, 13, 15-17, 28, 31-35, and 37, Applicant also argues that Verhoef does not disclose an anvil including a wedge shaped portion. This is also not persuasive. Verhoef discloses an anvil including a wedge shaped portion as shown above in a modified Figure 3. Also, it is pointed out that Applicant does not disclose an exact wedge shaped portion. See Applicant's Figure 9. Applicant merely discloses a portion similar to a wedge-shaped portion.

With regard to claim 28, Verhoef's discloses a generated force as shown in Applicant's Figure 3.

With regard to claim 14, Applicant argues that Zehr does not disclose clamping arms. This is not persuasive. Zehr discloses a grinding machine with clamp arms (60)

in order to secure the ends of the anvil when positioned within the apertures so that the anvil may be removed

Applicant does not present any new additional arguments regarding the rest of the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

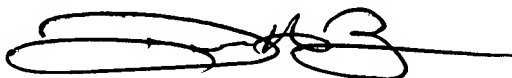
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:30 AM - 8:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks H. Derris can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JYP

A handwritten signature in black ink, appearing to read 'H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700